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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,996	08/22/2003	Lloyd Harmon Hancock	00568-286924	8677

7590

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EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/645,996	Applicant(s) HANCOCK ET AL.	
	Examiner Carlos Lopez	Art Unit 1731	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1,8-14,16 and 23 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 17-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 IDS'S</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Applicant is advised that should claim 13 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,8, 13-14, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siems et al (US 5,060,664) as applied to claim 1 above, and in further view of Hall (US 4,174,720).

Siems discloses an apparatus for making cigarette rods. The apparatus includes a first and second component. Siems' apparatus comprises an adhesive applicator 19, which is deemed as the claimed means for applying an additive material, includes a

Art Unit: 1731

source of continuous paper web from paper reel 18. The claimed garniture means is deemed as wrapping mechanism 23 as shown in figure 1.

The claimed function of the garniture wrapping tobacco inside the continuous paper web is deemed as being an inherent function of a garniture. By definition a garniture wraps tobacco filler with the paper wrapper.

Siems only generically discloses using a suitable adhesive applicator 19 to provide glue to the paper web (Col.7, lines 37-38). Siems does not disclose the claimed pair of counter-rotating rollers. However, the claimed adhesive applicator having a first roller receiving adhesive from an adhesive reservoir and a second roller in contact with the first roller receiving adhesive from the first roller to transfer the adhesive to paper web is disclosed by Hall in figures 2 and 5. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have used Hall's adhesive applicator with Siems cigarette making apparatus in order to provide glue to the paper wrapping the tobacco filler.

As for claim 8, see figures 2 and 5 showing the claimed bands.

As for claims 13-14, the adhesive is applied to the inside of the paper surface of the paper wrapper.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siems et al (US 5,060,664) in view of Hall (US 4,174,720) as applied to claim 1 above, and in further view of Frank (US 4,291,713). Siems and Hall are silent disclosing heating the paper web. However, Frank teaches that the art heats the adhesive

Art Unit: 1731

provided on the paper web to promote the setting of the adhesive to insure that the wrapped tobacco rod does not burst when the wrapped tobacco rod is transported for further processing (See Col. 1, lines 50ff and Col. 2, lines 28ff) and by providing a controlled heating it would not char or discolor the paper wrapper of the cigarette (Col. 9, lines 10ff). Frank discloses of controllably heating the paper web having the adhesive coated thereon by controlling the distance of the heating elements 26 and 27 and by providing a first low temperature heat treatment followed by a high temperature heat treatment (See Col. 4, lines 61ff, and Col. 9, lines 10ff). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have provided controlled heating means as taught by Frank in Siems and Hall's cigarette apparatus in order to assure that the tobacco rod's seal provided by the adhesive on the paper wrapper does not break open when the wrapped tobacco rod is transported for further processing and would not char or discolor the paper wrapper of the cigarette.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siems et al (US 5,060,664) in view of Hall (US 4,174,720) in view of Frank (US 4,291,713), as applied to claim 1 above, and in further view of Collins et al (US 5,200,020). Siems, Hall and Frank are silent using infrared unit to provide for the heating of Frank. However, Collins discloses using hot air, microwaves or other forms of heating to set the adhesive being placed on a cigarette paper wrapper (Col. 4, lines 30ff). Hence, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use other forms of heating such as infrared heating

Art Unit: 1731

as taught by Collins in order to set the adhesive provided on the cigarette wrapper of Siems. As shown by Collins, alternative forms of heating to set the adhesive would be obvious to one of ordinary skill in the art in order to set the adhesive.

Allowable Subject Matter

Claims 2-7 and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The primary reason for allowance is that the cited prior art fails to disclose or reasonably suggest an apparatus for making a cigarette smoking article comprising a adhesive applicator having a patterned roller, applicator roller and adhesive feed shoe as cited in claims 2-7, 15 and 17-22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is 571.272.1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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